

**Notice of Allowability**

Application No.

10/092,553

Applicant(s)

SUGISAKI, ATSUSHI

Examiner

Art Unit

Anh-Vu H. Ly

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment filed June 6, 2006.

2.  The allowed claim(s) is/are 1-15.

3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)

5.  Notice of Informal Patent Application (PTO-152)

2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)

6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.

3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_.

7.  Examiner's Amendment/Comment

4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

8.  Examiner's Statement of Reasons for Allowance

9.  Other \_\_\_\_\_.

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Roland E. Long on June 19, 2006.

The application has been amended as follows:

***In The Claims***

Claim 3, in line 27, replace "packet sending control periods" with --packet resending control periods--.

***Allowable Subject Matter***

2. Claims 1-15 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or fairly suggest a comparator, in the reception side, receiving the measurement results and reading the data of the control states from the first data storage portion to select an optimum control state of a coding rate in corresponding with the measurement results on a basis of the read data of the control states stored in the first data storage portion; a second data storage portion storing data of control states of coding rates; and receiving the control data and reading the data of the control states from the second data storage portion for selecting the coding rate in correspondence with the received control data on the basis

of the received control data and the read data of the control states stored in the second data storage portion, in the transmission side, as specified in independent claim 1.

The prior art does not teach or fairly suggest a comparator, in the reception side, receiving the measurement results and reading the data of the control states from the first data storage portion to select an optimum control state of a packet resending control period in corresponding with the measurement results on a basis of the read data of the control states stored in the first data storage portion; a second data storage portion storing data of control states of packet resending control periods; and receiving the control data and reading the data of the control states from the second data storage portion for selecting the packet resending control period in correspondence with the received control data on the basis of the received control data and the read data of the control states stored in the second data storage portion, in the transmission side, as specified in independent claim 2.

The prior art does not teach or fairly suggest a comparator, in the reception side, receiving the measurement results and reading the data of the control states from the first data storage portion to select an optimum control state of a coding rate and packet resending control period in corresponding with the measurement results on a basis of the read data of the control states stored in the first data storage portion; a second data storage portion storing data of control states, the control states corresponding to coding rates and packet resending control periods; and receiving the control data and reading the data of the control states from the second data storage portion for selecting the coding rate and packet resending control period in correspondence with the received control data on the basis of the received control data and the read data of the control

states stored in the second data storage portion, in the transmission side, as specified in independent claim 3.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



CHI PHAM  
SUPERVISORY PATENT EXAMINER 6/19/06

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

avl

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
6/19/06